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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHENOUDA ALBERT SALIB and JIANBO LU

Appeal 2007-0386
Application 10/619,051
Technology Center 3600

Decided: February 29, 2008

Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and JENNIFER D. BAHR, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-13 and 16-18. Claims 14 and 15 have been objected to as being dependent upon a rejected base claim. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellants invented a method of controlling a system of an automotive vehicle in response to sensed dynamic behavior, and more specifically, a method for sensitizing the activation criteria based on vehicle operating conditions (Specification 1).

Claim 1 under appeal reads as follows:

1. A method of operating a control system for an automotive vehicle comprising:
 - determining a relative roll angle;
 - when the relative roll angle reaches a threshold, initiating a wheel departure angle determination; and
 - controlling a safety system in response to the wheel departure angle.

The Examiner rejected claims 1-13 and 16-18 under 35 U.S.C. § 102(b) as being anticipated by Chubb.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Chubb US 6,593,849 B2 Jul. 15, 2003

ISSUE

The only issue is whether Appellants have shown that the Examiner erred in finding that Chubb discloses the steps of determining a relative roll angle and initiating a wheel departure angle determination when the relative roll angle reaches a threshold.

Analysis

We find that Appellants' Specification discloses a method of controlling a system of an automotive vehicle in response to sensed dynamic behavior, and more specifically, a method for sensitizing the activation criteria based on vehicle operating conditions (Specification 1). In the

Appellants' method, a relative roll angle is determined. The relative roll angle is the angle between the wheel axis and the body 10a (Specification 10). This angle is depicted in Figure 2. A wheel angle determination is made when the relative roll angle reaches a threshold value (Figure 8, step 126). The wheel departure angle is the angle from the axle of the wheel axis to the road surface (Specification 10).

We find that Chubb discloses a method of controlling a system of an automotive vehicle which includes a roll controller 18 which receives information from various sensors (Chubb, col. 2, ll. 53-54). One of the sensors is a roll rate sensor 34 (Chubb, col. 2, ll. 55-56). Based on the input from the various sensors, the controller 18 controls the tire force vector to counter rollover (Chubb, col 2, ll. 59-60). The roll rate sensor 34 senses the roll condition based on sensing the linear or rotational relative displacement or displacement velocity of one or more of the suspension chassis components. (Chubb, col. 3, ll. 5-8). The suspension chassis components may include linear height, rotary height, wheel speed, steering wheel position, and steering wheel velocity. (Chubb col. 3, ll. 8-11). While the Examiner is correct that Chubb discloses the determination of what is termed a "roll angle," Chubb does not disclose determining a wheel departure angle once the value of the roll angle reaches a threshold value.

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In view of the foregoing findings, we hold that the Appellants have shown that the Examiner erred in finding that Chubb discloses the steps of determining a relative roll angle and initiating a wheel departure angle determination in response to the relative roll angle reaching a threshold. The rejection cannot be sustained.

REVERSED

hh

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